

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

KINSALE INSURANCE COMPANY,

*Plaintiff,*

v.

Case No. 5:22-CV-0048-JKP

FLYIN' DIESEL PERFORMANCE &  
OFFROAD, LLC, et al.,

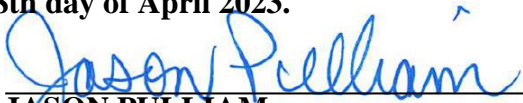
*Defendants.*

**FINAL JUDGMENT**

The Court has considered the issues presented in this action and rendered its decision. For the reasons stated in the Memorandum Opinion and Order (ECF No. 36) issued on March 31, 2023, the Court partially granted a Motion for Summary Judgment (ECF No. 29) filed by Defendants Flyin' Diesel Performance & Offroad, LLC and Ross M. Dunagan. Other defendants adopted the motion, *see* ECF No. 33, and, with respect to the nonmovant defendants, the Court provided notice and opportunity to respond as to including them in this final judgment. Having received no reason as to why the Court should not grant summary judgment to the nonmovants under Fed. R. Civ. P. 56(f), the Court grants summary judgment to all defendants for the reasons stated in the Memorandum Opinion and Order.

In accordance with the grant of summary judgment, the Court **DISMISSES** this action and **DECLARES** that the insurance policy in question is ambiguous, and that Kinsale Insurance Company owes a duty to defend in the underlying lawsuit prompting this case. Costs are awarded to defendants as the prevailing party.

**IT IS SO ORDERED this 18th day of April 2023.**

  
**JASON PULLIAM**  
**UNITED STATES DISTRICT JUDGE**